

UNITED STATES BANKRUPTCY COURT  
For The Western District of Michigan

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in the matter of:

PATRICIA ANN KRUZEL  
5367 Powers Road  
Alanson MI 49507  
Debtor.

Case Number: GT 05-19783  
Chapter Seven (7)  
Honorable James D. Gregg  
James W. Boyd, Trustee

Notice to Creditors and Other Parties in Interest of Hearing

YOU ARE HEREBY NOTIFIED THAT A HEARING will be held at the United States Bankruptcy Court, 3249 Racquet Club Drive, Logan Place West, (Off South Airport Road), **Traverse City, Michigan on Thursday, October 26, 2006 at 10:00 a.m.** to consider & act upon the following matter:

**Trustee's Motion to Sell Real Property**

a copy of motion is enclosed

*If you want the court to consider your views on this matter, attend the hearing on the date stated above.*

*Your rights may be affected. You should read the documents carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)*

*You or your attorney may wish to file a response to the motion explaining your position. Any response shall be filed with the clerk of the U.S. Bankruptcy Court, One Division Avenue, N.W., Room 200, Grand Rapids MI 49503, and should be received by the clerk at least 3 (three) days before the hearing date. A copy of your response should also be mailed upon the party filing the motion and his/her attorney.*

*If you or your attorney do not take these steps, the court may decide to grant the relief sought in the motion or petition, and may enter an order granting the relief requested.*



Daniel M. LaVille, Clerk of Court

David G. Scalici, Deputy Clerk

Dated: 9-19-06

**NOTICE IS HEREBY GIVEN THAT THE COURT MAY, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the clerk's office from the court files or docket.**

A copy of this notice and motion forwarded to noticing center for service on matrix.

**UNITED STATES BANKRUPTCY COURT  
IN THE WESTERN DISTRICT OF MICHIGAN**

In Re:

PATRICIA KRUZEL,

Debtor.

Case No. GT05-19783

Chapter 7

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**TRUSTEE'S MOTION TO SELL REAL PROPERTY**

James W. Boyd, the duly appointed Chapter 7 Trustee in this matter, states as follows:

1. The Debtor filed a petition for relief pursuant to Chapter 7 of the Bankruptcy Code on October 15, 2005.
2. The Trustee intends to sell real property of the Bankruptcy Estate consisting of 40 acres of vacant land located on Pickerell Lake Road, Springvale Township, Emmet County, Michigan further described as follows:  
  
*E ½ of NE 1/4 of SE 1/4 & E ½ of SE 1/4 of NE 1/4 of Sec, also 1/4 int in: E 16.5 ft of SE 1/4 of SE 1/4 sub to 30' easement. App 40 AC section 33 T35N, R4W.  
Tax ID #14-17-33-200-006.*
3. The Trustee has received an offer of \$81,400 from Jennifer Esper, 2550 Liegl Drive, Alanson, Michigan 49706, and he intends to sell the property for that amount. Seller shall provide buyer a credit of \$1,400 at closing to reimburse for buyer's costs. Sale of the property is subject to the receipt of higher bids in increments of \$1000 pursuant to Paragraph 12.
4. If the sale to the proposed purchaser does not close for any reason, the Trustee may proceed with a sale to an alternative purchaser without further Court approval provided the purchase price is not less than \$80,000.
5. To the best of the Trustee's knowledge, information and belief, the proposed purchaser has no association with the Debtor or any party in interest.
6. The Trustee had the property listed for sale for \$90,000 based upon consultation with the listing realtor. The Trustee believes that the offered price is a fair value for the property.
7. The sale of the property is in the best interests of the Bankruptcy Estate because it will result in approximately \$58,000 for distribution to creditors.
8. Upon approval of the sale, the following disbursements shall be deducted from the sale proceeds and paid without further order of the Court as follows:
  - a. Normal closing costs of the sale, including title insurance, settlement costs, recording fees, perk test, corner stake survey, real property taxes, transfer taxes in accordance with

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the purchase agreement.

- b. Commission of 6% will be paid to realtor Roxanne M. Beach of RE/MAX of Petoskey, 420 Howard Street, Petoskey, Michigan 49770.
  - c. The Debtor's exemption of \$4305 pursuant to 11 USC § 522(d)(5).
  - d. The remaining funds will be paid to the Bankruptcy Estate.
- 9. The property shall be sold "AS IS, WHERE IS," without representation or warranty, expressed or implied, of any kind, nature or description, including, without limitation, any warranty of title or of merchantability, usability, or of fitness for any particular purpose.
  - 10. This sale shall be conducted pursuant to Section 363 of the Bankruptcy Code, and the property shall be sold free and clear of all liens, interests, and encumbrances. To the extent that any such liens, interests, or encumbrances exist, the same shall attach to the proceeds of the sale in their present order, rank, and priority.
  - 11. Any person who desires additional information may contact James W. Boyd at 231-947-7901 ext. #1.
  - 12. A response, objection, or bid by a creditor or any other party in interest may be submitted at the hearing or filed prior to the hearing scheduled on this motion in writing with the United States Bankruptcy Court, One Division Avenue, N.W., Room 200, Grand Rapids, Michigan 49503, with copies of the same being served upon James W. Boyd, Trustee, 412 South Union Street, Traverse City, Michigan 49684.

The Trustee requests of this Court:

- a. To approve this Motion to Sell Real Property, and
- b. To provide such other relief as is just and equitable.

Dated: September 12, 2006

/s/ James W. Boyd

James W. Boyd, Trustee  
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Quandt & Phelps, PLC  
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